

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CAROL ALVAREZ,
Plaintiff,

Case No.: 1:24-cv-24135-RKA

v.

GOAT HOSPITALITY GROUP LLC and
WGOAT₁₅ LLC,
Defendants.

**DEFENDANTS', GOAT HOSPITALITY GROUP LLC and WGOAT₁₅ LLC,
MOTION TO ACCEPT FILING OUT OF TIME**

COMES NOW, Defendants, GOAT HOSPITALITY GROUP LLC and WGOAT₁₅ LLC ("Defendants"), by and through undersigned counsel, and hereby files this Motion to Accept Filing Out of Time, and states in support as follows:

1. Plaintiff, CAROL ALVAREZ, filed her Complaint on October 24, 2024 [DE1]. After two Motions to Dismiss [DE11, DE16], the Amended Complaint is subject to the Court's ruling on the Motion to Dismiss Amended Complaint [DE16].

2. On November 20, 2025, Plaintiff filed her Motion to Compel Discovery Responses and Initial Disclosures. [DE25]. The deadline to respond was Thanksgiving day, November 27, 2025, extended to the following day Friday, November 28, 2025, per Magistrate Sanchez's divisional instructions. Due to a calendaring mistake, the undersigned did not respond to the Motion to Compel and Plaintiff filed a Notice of Expiration of Response Deadline.[DE26]

3. Magistrate Judge Eduardo I. Sanchez issued a Paperless Order, "Setting Hearing on [25] Plaintiff's Motion to Compel.... Thursday, December 11, 2025, at 3:30 PM...." [DE 27]. The Parties proceeded to hearing before Magistrate Judge Eduardo I. Sanchez on 12/11/2025. [see DE 28].The Court DENIED Plaintiff's Motion to Compel Discovery Responses and Initial

Disclosures, for reasons stated in the record. [DE29] On December 23, 2025, Plaintiff filed her Objection of Magistrate Judge's Order on Motion to Compel. [DE32]. The deadline for response was Tuesday, January 6, 2026.

4. Defendants prepared a Response in Opposition to file on January 6, 2026. [See Exhibit A]. Upon attempts to file the Response in Opposition to Plaintiff's Objection of Magistrate Judge's Order on Motion to Compel, the undersigned became aware of the inability to access her ECF filing portal due to a Multi-Factor Authentication requirement. The undersigned attempted multiple times to obtain backup codes and to access her account. No other attorneys at the firm had an active and functioning ECF/Pacer account to permit filing through any attorney's credentials. Therefore, in the abundance of caution, the undersigned emailed a copy of the Defendants' Response in Opposition to Plaintiff's Objection to Magistrate's Order on Motion to Compel to the Court and opposing counsel. [See Exhibit B].

5. The following day, the undersigned called Pacer Help Desk, ECF Help Desk (ECF clerk in Southern District of Florida), and emailed Pacer Help Desk. The undersigned remained on hold for more than two and a half (2 ½ hours), due to heightened call volume. Due to a glitch, the ECF/Pacer account erroneously listed a prior email address for counsel, preventing counsel from being able to access her account. Pacer was the only entity able to correct the account issue, to permit filing of any kind, as the email was sent to an old email address, which the undersigned no longer had access to.

6. Defendants respectfully move this Court for leave to accept the filing, Exhibit A, two (2) days late, due to unforeseen ECF/Pacer issues. Defendants timely served the Plaintiff and

provided a copy of the proposed filing to this Court.

7. Defendants, GOAT HOSPITALITY GROUP LLC and WGOAT15 LLC respectfully assert the short delay of two (2) days was unintentional, inadvertent, and not for delay. Defendants respectfully assert that Plaintiff will not be prejudiced by this Motion.

CERTIFICATION UNDER LOCAL RULE 7.1(A)(3)

Pursuant to Local Rule 7.1(a)(3), I hereby certify that I, Tara E. Faenza, Esq., Defendants counsel, conferred with Plaintiff's counsel, Kyle T. MacDonald, Esq., by email on January 8, 2026, regarding the relief requested. Plaintiff's counsel objects.

For the foregoing reasons, GOAT HOSPITALITY GROUP LLC and WGOAT15 LLC respectfully request the Court GRANT Defendants' Motion and accept the late filing, two (2) days after the filing deadline, deem Exhibit A as timely filed, and any other relief this Court deems just and fair.

DATED: January 8, 2026

Respectfully submitted,

PATHMAN LAW, LLC

Counsel for Defendants

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By: /s/ Tara E. Faenza, Esq.

Tara E. Faenza, Esq.

Florida Bar No.: 106928

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 8, 2026 a copy of the foregoing was served on all counsel of record identified on the Service List below via CM/ECF.

By: /s/ Tara E. Faenza, Esq.
TARA E. FAENZA, ESQ.

Service List

Kyle T. MacDonald, Esq.

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